

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MELISSA M. SMITH,

Plaintiff,

vs.

Case No. 2:14-cv-01073-MCA-WPL

FARMERS INSURANCE COMPANY OF ARIZONA,

Defendant.

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE**

Plaintiff Melissa M. Smith and Defendant Farmers Insurance Company of Arizona, by and through their attorneys, jointly move this Court for an Order of Dismissal with Prejudice of Plaintiff's First Amended Complaint Against Defendant Farmers Insurance Company of Arizona filed on October 19, 2014 (Third Judicial District Court Cause No. D-307-CV-2012-2640), which was removed to the United States District Court for the District of New Mexico by the Defendant (First Amended Complaint). The parties state the following in support:

The parties have entered into a confidential settlement of all issues of law and fact in this case. The settlement is intended to resolve and effect a full and final release of any and all claims, damages, causes of action, and counterclaims that were brought or that could have been brought herein by and between the parties to this lawsuit. The parties have agreed that any and all claims and damages that were brought or that could have been brought herein by and between the parties are to be dismissed with prejudice. The parties have also agreed to bear their own costs and attorneys' fees and hereby request that this Court issue an Order of Dismissal with Prejudice dismissing Plaintiff's First Amended Complaint.

WHEREFORE, the above-referenced parties hereby jointly move for this Court's Order of Dismissal with Prejudice dismissing this matter.

Respectfully submitted,

**RILEY, SHANE & KELLER, P.A.**

By: /s/ Courtenay L. Keller (electronically filed)

**COURTENAY L. KELLER**

*Attorneys for Defendant*

*Hartford Insurance Company of the Midwest*

3880 Osuna Road NE

Albuquerque, NM 87109

(505) 883-5030

—And—

Jerome O'Connell, Esq.  
Lilley & O'Connell, P.A.  
1020 South Main  
Las Cruces, NM 88005  
(575) 524-7809

David M. Houlston, Esq.  
Law Offices of David M. Houlston  
500 Tijeras NW  
Albuquerque, NM 87102  
(505) 247-1223  
*Attorneys for Plaintiff*

The undersigned hereby certifies that on the 11<sup>th</sup> day of October, 2016, a copy of the foregoing was electronically filed through the CM/ECF system, which caused the following participating CM/ECF counsel to be served with same by electronic means. The undersigned further certifies that on the 11<sup>th</sup> day of October, 2016, a true and correct copy of the foregoing was also e-mailed to the following counsel of record:

Jerome O'Connell, Esq.  
Lilley & O'Connell, P.A.  
1020 South Main  
Las Cruces, NM 88005  
[Jerome@lilleyandoconnell.com](mailto:Jerome@lilleyandoconnell.com)

David M. Houlston, Esq.  
Law Offices of David M. Houlston  
500 Tijeras NW  
Albuquerque, NM 87102  
[david@houlistonlaw.com](mailto:david@houlistonlaw.com)

By: /s/ Courtenay L. Keller (electronically filed)

**COURTENAY L. KELLER**